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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 379th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 23 May 1997, at 3 p.m.

Chairperson: Miss MASON

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Initial report of Ghana (continued) (CRC/C/3/Add.39; CRC/C/Q/GHA/1 (list of issues); written replies from the Ghanaian Government (document without a symbol, in English and French only))

1. At the invitation of the Chairperson, the members of the delegation of Ghana resumed their places at the Committee table.

2. The CHAIRPERSON invited the Ghanaian delegation to reply to the questions left in abeyance at the previous meeting.

3. Mrs. KATSRIKU (Ghana) said that the Ghanaian Criminal Code stipulated that any children in conflict with the law had to be presented before a court. If their parents were not present at the trial, an adult - for example, a social worker - had to provide them with assistance. Even street children thus had access to social welfare services. However, owing to economic difficulties and the structural adjustment programme, there was a lack of social workers in the country. Concerning adoption, the legislation on the question was being revised so as to permit adopted children to know their natural parents. Child victims of torture or ill-treatment were provided with counselling services and, whenever possible, children at risk of being abused by their parents or guardians were taken from their homes and placed in the care of a family member or a foster parent. Lastly, Ghana was planning to ratify, as soon as possible, International Labour Organization (ILO) Convention No. 138 concerning the minimum age for admission to employment.

4. Mrs. AKUFFO-AMOABENG (Ghana) pointed out that in Ghana there was a social welfare scheme under which a pension or a lump sum was paid to the eligible family members of a contributor to the scheme on his or her death. Although contributors often failed to notify changes in their family situation and provide the names of new eligible family members, measures were taken to ensure that claimants who had not been registered with the appropriate services still received the benefits to which they were legitimately entitled. The Ministry of Health and the Ministry of Education advised parents on health and nutrition, and a training programme on the rights set forth in the Convention was being carried out for teachers and trainee teachers with the support of the United Nations Children's Fund (UNICEF), and Save the Children (United Kingdom and Sweden). A teachers' manual had been published by the Ministry of Education, stipulating that corporal punishment could be used only as a last resort.

5. Mrs. QUARTEY (Ghana) stated that before licensing a private school, the authorities made sure that the teaching at the institution met the standards set by the Government. Teachers at such schools were subject to periodic inspections. The Tro Kosi system mentioned in paragraph 141 of the report had been dealt with in a sensationalist manner by various non-governmental organizations (NGOs). In any event, the authorities were doing everything possible to combat the practice, although, it was still necessary to raise public awareness in order to bring it to an end. The Human Rights Commissioner and members of the national Commission on Human Rights and

Administration of Justice had thus visited villages, along with representatives of NGOs and public bodies, to convince the fetish priests to abandon the practice. Some of the priests had released children whom they had been keeping in captivity, and those children had then been placed in shelters. However, some of the children, fearing reprisals, had decided themselves to return to the priests.

6. Mrs. KATSRIKU (Ghana), addressing the question of girl children employed as domestic servants, explained that the parents of such children were too poor to support them and placed them with other families, where their needs were taken care of in exchange for domestic services. Those families sometimes even provided for the girls' schooling. As soon as the public authorities had analysed the findings of the study to be conducted on the situation of such girls, they would take steps to ensure that children under 15 years of age were not forced to work.

7. Mrs. APPIAH (Ghana) said that under the proposed Children's Act, it would be no longer the police, but social workers who had the task of dealing with the problem of street children. A bill for the reform of the Criminal Code intended to prohibit the Tro Kosi system had been put before the Parliament, but it should be noted that in Ghana bills lapsed if they were not adopted during the parliamentary session in which they were submitted.

8. With regard to the social welfare scheme, under the proposed Children's Act, beneficiaries would be required to update their files every five years. In the event that children of a deceased person were not listed as beneficiaries, the bill stipulated that 60 per cent of the benefits due to the deceased contributor should be paid to school-age children, and 40 per cent to the beneficiaries whose names were listed in the file. She further pointed out that minors who married had all the rights of a person who had reached legal age.

9. Mrs. QUARTEY (Ghana) said that families endeavoured to ensure that the marriage of their children would be happy and in no way imposed their will regarding future spouses.

10. Mrs. AKUFFO-AMOABENG (Ghana) said that the proposed Children's Act stipulated that adopted children had the right to know their natural parents. Any person could report ill-treatment of a child. Furthermore, trafficking in children and kidnapping were punishable under the Criminal Code.

11. With regard to education, the district assemblies were responsible for ensuring that minimum standards were met. Under the free and compulsory universal basic education programme, all schools were to be provided with the required facilities free of charge by 2005.

12. The CHAIRPERSON recalled that Mrs. Karp had asked whether there was an awareness programme relating to sexual abuse within the family, and that Mrs. Mokhuane had requested further information on measures taken to enhance the status of girls in society.

13. Mrs. AKUFFO-AMOABENG (Ghana) said that Response was an association of NGOs which cared for street children, and in particular for children who were

victims of sexual abuse. The Association's chairman was a sociologist and the director of the Department Social Policy Analysis. The International Federation of Women Lawyers had also conducted several studies on the question.

14. The CHAIRPERSON, addressing the subject of corporal punishment, asked whether teachers were trained in disciplinary methods that would not psychologically traumatize children. She would also like more information on the question of female circumcision, which was mentioned in paragraph 61 of the report.

15. Mrs. AKUFFO-AMOABENG (Ghana) replied that the Ministry of Education paid particular attention to ensuring that teachers were trained in child psychology. The teachers' manual provided for various disciplinary measures other than corporal punishment. A copy of the manual would be sent to the Committee for its information.

16. Mrs. QUARTEY (Ghana) pointed out that, as part of their training, teachers learned how to exercise self-control in carrying out their duties. Children who misbehaved were reprimanded by their teachers, without corporal punishment being inflicted. Where necessary, the teachers could call on the children's parents to persuade them to change their behaviour.

17. Mrs. AKUFFO-AMOABENG (Ghana) said that several studies on the place of girls in society had been carried out, mainly by women's groups, to determine why girls dropped out of school and did not enter certain professions. Various remedial measures had been taken, including special science and mathematics courses for girls, and counselling services were available for them at schools. Regarding harmful traditional practices, she said that the term "female circumcision" had been used erroneously in paragraph 61 of Ghana's initial report; the report should have referred to "female genital mutilation".

18. Mrs. APPIAH (Ghana) said that the practice of female genital mutilation had been defined in the amended version of the Criminal Code following a national survey conducted under the guidance of the Law Reform Commission, and the practice was now prohibited.

19. Mrs. MBOI inquired as to whether the prohibition did not discriminate against the Muslim community.

20. Mrs. AGGREY-ORLEANS (Ghana) said that, following the nationwide survey it had commissioned, the Ghanaian Government had concluded that there was no religious or medical justification for the practice of female genital mutilation. It was thus prohibited by law, and an education programme had been initiated to ensure that the law was applied and that the practice, which unfortunately persisted in some isolated regions, was halted.

21. Mr. FULCI inquired as to whether NGO efforts to ensure that girls who were victims of the Tro Kosi system, were released, even before the Criminal Code was amended, had met with success. Furthermore, according to information from international sources, disabled children in Ghana were reportedly discriminated against and sometimes abandoned or hidden, owing to certain

superstitions. The problem was not mentioned in Ghana's initial report, and he wondered whether the information was correct. If so, how extensive was the problem?

22. Mr. RABAH, referring to parental neglect and the theft or trade in body parts and derived products, said that he had noted numerous shortcomings in Ghanaian criminal law, and would like to know whether Ghana intended to adopt legislation to remedy them. In view of the principle that there could be no crime nor punishment except in accordance with the law, the Criminal Code should perhaps be amended to provide penalties for such acts, so that they were not perpetrated with full impunity.

23. Mrs. KARP suggested that Ghana should first consider the possibility of revoking article 41 (a) of its Criminal Code, which authorized parents and guardians to use reasonable physical force against children. Most cases of ill-treatment involved the use of force, ostensibly for educational purposes. Furthermore, the same article referred both to legitimate and to illegitimate children. Since Ghanaian law no longer distinguished between the two, and failing repeal of the entire provision, it would be advisable to eliminate such a reference. It had been argued that the prohibition of corporal punishment would not be in the best interests of the law, as the public would oppose it. However, if a choice had to be made between the best interests of the law and the best interests of the child, then the latter should prevail. Regarding sexual abuse within the family, she inquired as to whether the police had received instructions to give the most serious attention possible to such cases.

24. She noted that the list of measures applicable to juvenile delinquents did not include community service. That alternative sanction was to be very highly recommended, as it had proven to be not only valuable for training minors but also advantageous to society. She would also like to know whether juvenile courts existed throughout the country, and in what conditions a child could be brought before a regular court - when the child was indicted jointly with an adult, or in other cases as well. She asked whether Ghana had adopted minimum standards concerning places of detention for juveniles, and what conditions prevailed at detention centres or prisons housing minors. She further inquired as to whether any special rules applied to investigations involving minors, and specifically whether an adult had to be present to ensure that a child was protected and due process observed. Lastly, she asked whether, pursuant to the report of the Commission on Human Rights indicating that young children were still being placed in police custody or in detention with adults, any steps had been taken to bring that practice to an end.

25. With regard to children at risk, there appeared to be a discrepancy in the Ghanaian Criminal Code concerning the definition of rape. Article 98 defined rape as a first degree felony, yet the offence was defined as a second degree felony in cases involving children under 10 years of age. Furthermore, the Ghanaian delegation had still not indicated whether a child could consult a doctor about a personal matter without the consent of the parents, whether the parents could bring charges against a doctor who agreed to treat such a child if a problem occurred, and whether there were any telephone hotlines for children.

26. Mrs. MBOI said that she would like to know how the situation had evolved since 1991-1992 with regard specifically to access to primary health care, immunization coverage rates for under-fives, malnutrition, adolescent health, including the percentage of HIV-positive persons in the 15-19 age group, and illiteracy. The Ghanaian delegation had not replied to question 41 on the list of issues, concerning malnutrition among children.

27. The initial report of Ghana stated that the population had grown rapidly and that the fertility rate remained very high. It would be interesting to know more about the impact of the family planning and responsible parenthood campaign, given the negative repercussions of high population growth on development and the situation of children. The report also mentioned that 65,000 Liberian and Togolese refugees remained in Ghana. She asked for information on the situation of the refugee childen, and specifically whether they had access to health and education services.

28. Mrs. OUEDRAOGO said that she was concerned about the question of adopted children working as domestic servants and inquired whether provisions had been made to protect them. She would also like to know whether Ghana intended to take measures to prevent children from having access to imported adult films. She further noted that the initial report of Ghana hardly mentioned AIDS, a pandemic which she understood to be worsening in the West African region. It would be useful to have statistics on the extent of the problem and the specific measures taken - for example, awareness campaigns, school programmes and use of the media - to alert the population.

29. Mrs. AGGREY-ORLEANS (Ghana) explained that, in view of Ghana's dual nuclear and extended family system, which provided children with support and protection and ensured their emotional and psychological stability, it had not been considered useful to establish a telephone hotline for children, and there were no plans to do so. A Ghanaian child who was afraid to turn to his or her parents to discuss a sensitive problem would use a family member as an intermediary to find a solution, informally.

30. Mrs. APPIAH (Ghana) said that the Ghanaian Criminal Code was regularly brought up to date as society evolved, and provided sanctions against air hijacking, genocide and, more recently, computer crime.

31. With regard to sexual offences and the point made by Mrs. Karp concerning their classification, a review had been conducted on the question and all acts of rape now fell into one and the same category. The Government had recently adopted the principle of community service, but many practical questions remained to be resolved before the scheme became operational.

32. Inspection of the various detention centres was the responsibility of the Commission on Human Rights and Administration of Justice. As for minors who were the subject of an inquiry, the Code of Criminal Procedure had some, albeit still insufficient, provisions protecting them. The provisions, which stipulated that the parents or, in their absence, a social worker or probation officer, should be present during proceedings concerning a minor, were to be strengthened by amending the Code of Criminal Procedure. The age of criminal responsibility had been raised to 14 years, and the entire procedure applicable to juvenile delinquents had been revised. It had been proposed to

set the maximum detention period at three months for children under 16 years of age and at 24 months for those over 16. As far as children's courts were concerned, in Ghana the community tribunals acted as juvenile courts on certain days of the week. They existed throughout the country, except where that was impossible owing to logistical problems.

33. Mrs. KATSRIKU (Ghana) said that in the 1950s and 1960s disabled children had often been the subject of discrimination in Ghanaian society, but constant educational efforts had changed attitudes and the problem had been overcome.

34. In Ghana, children of refugees had the same opportunities as Ghanaian children for access to education and health care. Teams of social workers, health workers and teachers worked in the refugee camps to ensure equal access. A bill was currently being drafted which even included a provision prohibiting discrimination against refugees. There were also plans to conduct a study on the situation of child domestic servants. Based on the outcome of the study, an awareness programme would be established to inform employers on the question and encourage them to hire domestic servants over 15 years of age. A counselling programme had been established for girls who left school owing to pregnancy, offering either general education or vocational training.

35. Mrs. AKUFFO-AMOABENG (Ghana) said that the Tro Kosi problem was difficult to solve. It was not enough to arrange for the "release" of a few young girls in front of television cameras, as some NGOs had done. A large number of the young girls quickly returned to the priests to whom they had been given, as they had been led to believe that members of their families would die if they failed to do so. It was thus advisable to adopt a less public, but more effective approach, by working against the superstitions underlying the practices.

36. In Ghana, sexual abuse within the family was rarely reported to the police or the justice system. The suggestion made in that regard by one Committee member to set up a special telephone hotline for abused children was somewhat unrealistic, in view of the state of the telephone network in Ghana.

37. Mrs. SAGOE-MOSES (Ghana) said that children could consult doctors without parental consent, but that consent was required for any surgical operation. As far as immunization coverage was concerned, the rates for 1990 and 1995 were respectively 50 per cent and 55 per cent for DPT, 52 per cent and 46 per cent for measles, and 71 per cent and 70 per cent for BCG. Those rates were still unsatisfactory, mainly owing to the fact that mothers were not fully aware of the immunization schedules and many health professionals were reluctant to work in isolated rural areas. The authorities had thus taken measures to encourage health staff to work in all parts of the country and to train health workers within the communities.

38. To combat malnutrition, the health authorities had set up a breastfeeding promotion programme, which recommended exclusive breastfeeding up to the age of six months and encouraged mothers to breastfeed their children, giving them food supplements if necessary, for two years after birth. Regulations concerning the sale of breastmilk substitutes had been drafted and would soon be adopted. There was also a supplementary feeding

programme for undernourished children. Those children received a supplementary food ration every day, and their mothers were asked to take part in preparing meals, so that the health authorities could make sure that the children did indeed receive the food intended for them. A programme for community-based weaning food production had also been set up.

39. As significant vitamin A deficiencies had been noted among the population in the north, vitamin A supplements were distributed periodically, and consideration was currently being given to the possibility of taking longer-term measures. A study was under way to determine whether such vitamin deficiencies also existed among the population of the south. A national AIDS control programme had been initiated as early as 1987, involving epidemiological surveillance, education services, case follow-up, consultation and home-care services, and was coordinated by regional and district committees. At the beginning of the pandemic, the authorities had indeed encountered difficulties in promoting AIDS prevention owing to superstitions. The situation had since changed and, according to a recent study, only about 1 per cent of the population still attributed AIDS to irrational causes.

40. The CHAIRPERSON said she understood that it was possible to deal with sexual abuse within the family "amicably". She asked whether any compensation was provided for the victim and, if so, how the compensatory amount was set and used. She further asked whether there were any rehabilitation programmes for victims and perpetrators of sexual abuse within the family, and also whether there were programmes to encourage potential drop-outs to stay in school, and whether the Ghanaian authorities had set up any feeding programmes at schools. Lastly, it appeared that in many countries teaching was no longer considered a worthwhile profession because of the low pay. She would therefore like some indication of teachers' salaries in Ghana relative to those of other professions, and of the status of teachers in Ghanaian society.

41. Mrs. KARP said that it would be useful to have an idea of the drug addiction situation in Ghana, as well as of the drug prevention and rehabilitation programmes that were being implemented. She also asked what measures had been taken to protect children from sexual exploitation, and whether the Ghanaian authorities intended to apply the measures to all children under the age of 18, or only to children who had not reached the age of sexual consent.

42. Mrs. MOKHUANE said that she was seriously concerned about the idea of dealing "amicably" with cases of sexual abuse within the family. Children subjected to such abuse were traumatized, and could suffer from post-traumatic problems. Concerning malnutrition, it appeared that a number of programmes were being implemented, but they addressed only the physical aspects of the problem. She would like to know whether a study of the mother-child relationship had been conducted. Lastly, did the Ghanaian delegation have any statistics on abortions, and was abortion legal in Ghana?

43. Mrs. MBOI said that she would welcome more information on health trends in order to assess the impact of the very positive measures taken by the current Government. For example, she would like to know what the current HIV

rate was among adolescents, whether sex education courses instituted by the authorities had an impact on teenagers, and whether there was any information on the frequency with which adolescent girls resorted to abortion.

44. Mr. KOLOSOV said he understood that there were still problems concerning the education of refugee children. If that were the case, then perhaps the Ghanaian Government should request international assistance. He also sought confirmation that depriving juvenile offenders of their freedom had become a measure of last resort in Ghana.

45. Mr. FULCI, after first asking to what extent Ghana cooperated with UNICEF, warned that there was a new danger of foreigners, and sometimes even residents of Ghana, literally buying children, promising their families that they would be educated at the best schools and that their social achievements would bring their families success.

46. Mrs. OUEDRAOGO asked whether there were cases of infant abandonment in Ghana, and if so, what measures had been taken or were foreseen to stop that practice. Specifically, were efforts made to find the mother, and did facilities exist for the mothers concerned and their children? The question of nationality, including the acquisition of Ghanaian nationality by immigrants, also required clarification.

47. Mrs. AGGREY-ORLEANS (Ghana) suggested that the replies to the questions that had just been asked could be made in writing. She wished to explain briefly, however, that when referring to the system of family values, she had been speaking only of Ghana, where such values were still very strong and made it impossible for a child of 16 years or an elderly person to be forced to leave home. Nevertheless, she acknowledged that a certain evolution in values could be healthy if it involved adopting what was beneficial elsewhere. Turning to the concern about the use of the term "amicably" to qualify the way cases of sexual abuse were handled within families, she explained that the term actually meant that such abuse was punished within the family, as the person responsible was subjected to the reproach of the family itself. She thanked Mr. Fulci for his warning about child buying; he would certainly have seen the link between that practice and the poverty of certain population groups.

48. Mrs. APPIAH (Ghana) said that incest was an offence under the law. The question of nationality was complicated in respect of immigrants, but nationality could, of course, be acquired through adoption. As for the means of punishment of juvenile delinquents, practices were changing quickly. Children under 16 would stay a maximum of 3 months at industrial schools or borstal institutions, and those between 16 and 18 would stay a maximum of 24 months, whereas the maximum had previously been three years. Furthermore, there was a growing trend towards the use of alternatives to incarceration.

49. Mrs. AKUFFO-AMOABENG (Ghana), replying to the questions concerning drug abuse and drug dealing, said that the problems existed and that a narcotics control body had been established in Ghana, which worked, along with various NGOs, to prevent drug abuse through educational means. Even before the Stockholm World Congress against the Commercial Sexual Exploitation of Children, Ghana had taken steps against the sexual exploitation of children,

and had since adopted new provisions. The age of sexual consent had been raised, and the Criminal Code had been modified so as to punish the act of imposing sexual intercourse on a person against his or her will.

50. Mrs. KATSRIKU (Ghana), replying to the question concerning teachers' salaries, said that while salaries were low, they were higher than those of civil servants in general. Concerning infant abandonment, she explained that abandoned newborn babies were cared for by the State, and the mothers who could be identified were prosecuted. Innocent girls who had been seduced and left on their own were encouraged to come forward to the social services and to leave their children with those services rather than abandoning them. As to cooperation with UNICEF, the very fact that a representative of the agency was at the Committee's meeting showed how close the cooperation was.

51. The CHAIRPERSON invited the Committee members to make whatever comments or recommendations they wished to appear in the concluding observations concerning the initial report of Ghana.

52. Mrs. SARDENBERG said she hoped that the dynamism with which Ghana had taken measures for children would soon have concrete effects. If the results achieved were to be lasting, then a comprehensive State policy would be needed. It could be advisable, as part of such a policy, to revise the terms of reference of the Ghana National Commission on Children, draw up detailed legislation, mobilize the Parliament and NGOs, make use of technical assistance and pay special attention to subjects of concern such as discrimination against girls, non-recognition of children's freedom of expression and the situation of disabled children and street children.

53. Mr. KOLOSOV suggested that Ghana should attach the greatest importance to the very serious decision to deprive a child of his or her freedom. Such action should be taken only as a last resort. Just one week in prison would be traumatic for a child, and even three months would teach the child nothing. Education was essential in shaping a good citizen. Indeed, when designed to prepare children for life, it made it possible to meet practically all the objectives of the Convention. The first fruits of the basic education programme would appear in 2005, which seemed a long way off. An entire generation of children would not benefit from the measures taken. It was necessary to find ways of stepping up the pace, perhaps by prevailing upon the finance and budget authorities to reallocate funds.

54. Mrs. KARP reminded the delegation that the Ghanaian Government had committed itself to adopting a detailed law on children that would introduce a series of modifications in the current legislation. She hoped that Ghana's next periodic report would not only address the adoption of that law, but also of its implementation. She again emphasized the need to collect data for indicators concerning all the rights of the child, and not only the right to health and education. It was also extremely important to strengthen the Ghana National Commission on Children, to train the members of the district assemblies and to combat child labour by means of an effective inspection system. She was pleased to learn of Ghana's intention to accede to ILO Convention No. 138 concerning the minimum age for admission to employment. Ghana should also study more closely ways of combating juvenile delinquency.

55. She above all encouraged Ghana to provide children with the status of individuals and to ensure that they too enjoyed civil and political rights, especially the right to participate in society, which meant enabling them not only to be heard, but also to be informed about public affairs and to play a role in the life of the country. That would, of course, require training of all those responsible for dealing with children.

56. Mrs. MBOI drew the Ghanaian delegation's attention to the long-standing and persistent problems in the fields of child health and nutrition, and to the more recent ones related to sexual abuse. Those problems had not perhaps yet become very serious, but the authorities should not wait for the phenomenon to spread before taking action. Ghana could, for example, request the assistance of WHO and UNICEF in that regard.

57. Mrs. QUEDRAOGO said it was clear that what the Ghanaian Government and people lacked was not the political will but the financial resources, and she hoped that the country would be able to overcome its difficulties.

58. Mrs. MOKHUANE noted with satisfaction that the measures taken by Ghana for children had already had some positive results, particularly in education, but in other fields such as freedom of expression and combating sexual abuse and family violence there was still much to be done. Parents still had to be educated, and preventive measures taken. She recalled that any action had to be guided by concern for the child's best interests.

59. Mrs. AGGREY-ORLEANS (Ghana) said that the initial report of Ghana and the clarifications made by her delegation clearly demonstrated to what extent Ghana was aware of its obligations. They also showed the major difficulties, largely economic in nature, that the country faced. The implementation of the Convention in Ghana was highly dependent on the international economic situation and on the technical and financial support that the international community provided to the country. She added that in carrying out the difficult task it faced, Ghana would take full account of the observations of the Committee members, especially concerning the need to set the different ages at which children could exercise various rights in a more rational way, while addressing the inequality of treatment between boys and girls in that regard, and to tackle the questions of adoption, social security and the realization of children's civil and political rights.

60. The CHAIRPERSON joined the members of the Committee in thanking the Ghanaian delegation for the quality of Ghana's report, the careful and pertinent replies the delegation had provided and the spirit of dialogue it had shown during the discussion. She recalled that one of the Committee's main recommendations was to strengthen the authority of the Ghana National Commission on Children and assured the Ghanaian delegation that the Committee would take account in its recommendations of the lack of financial and technical resources in Ghana. She announced that the Committee had completed its consideration of the initial report of Ghana.

The meeting rose at 6 p.m.